

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

JOINT APPROPS SUBCOM ON JUDICIAL BRANCH, LAW ENFORCEMENT, AND JUSTICE

Call to Order: Chair Randy Brodehl, on February 22, 2017 at 9:00 AM, in Room 317A
Capitol

ROLL CALL

Members Present:

Rep. Randy Brodehl, Chair (R)
Sen. Ryan Osmundson, Vice Chair (R)
Rep. Kimberly Dudik (D)
Sen. David Howard (R)
Rep. Ryan Lynch (D)
Rep. Jimmy Patelis (R)
Sen. Cynthia Wolken (D)

Members Excused: None

Members Absent: None

Staff Present: Greg DeWitt, Legislative Branch
Alex Gray, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary: Executive Action on remaining agencies.

EXECUTIVE ACTION ON JUDICIAL BRANCH

00:00:04 Chair Brodehl
00:00:51 Quinn Holzer, Legislative Fiscal Division (LFD)
00:02:54 Chair Brodehl

00:03:36 **Motion:** Sen. Osmundson moved that **STAFF BE GIVEN APPROVAL TO WORK WITH THE DEPARTMENT TO REALLOCATE WITHIN THE AGENCY FOR \$1,018,147 GENERAL FUND IN FY 2018 AND \$1,018,147 GENERAL FUND IN FY 2019 BE ADOPTED UNALLOCATED REDUCTION.**

Discussion:

00:05:26 Beth McLaughlin, Montana Supreme Court
00:06:00 Rep. Dudik
00:06:54 Chair Brodehl

00:07:26 **Vote:** Motion carried 4-3 with Rep. Dudik, Rep. Lynch and Sen. Wolken voting no.

EXECUTIVE ACTION ON DEPARTMENT OF JUSTICE

Legal Services Division:

00:07:50 **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION on DP557 RESTORE PART OF APPROPRIATION REBASE.** Motion carried unanimously by voice vote.

00:08:15 **Motion:** Sen. Osmundson moved that **THE COMMITTEE NOT APPROVE THE GENERAL FUND FOR DP557 RESTORE PART OF APPROPRIATION REBASE BE ADOPTED.**

Discussion:

00:08:36 Rep. Dudik
00:09:46 Greg Dewitt, Legislative Fiscal Division (LFD)

00:10:06 **Vote:** Motion carried unanimously by voice vote.

Montana Highway Patrol:

00:10:14 **Motion/Vote:** Sen. Osmundson moved that **DP561 FOR \$3,216,323 STATE SPECIAL REVENUE IN FY 2018 AND \$2,251,737 STATE SPECIAL REVENUE IN FY 2019, INCLUDING FUNDING FOR PERSONAL SERVICES TO FUND 27.00 FTE IN 2018 AND 19.00 FTE IN FY 2019 BE ADOPTED AS REQUESTED.** Motion carried unanimously by voice vote.

00:11:05 **Motion/Vote:** Sen. Osmundson moved that **DP301 FOR \$580,000 STATE SPECIAL REVENUE IN FY 2018 AND \$580,000 STATE SPECIAL REVENUE IN FY 2019 BE ADOPTED AS REQUESTED.** Motion carried unanimously by voice vote.

Justice Information Technology Services Division:

- 00:11:27 **Motion/Vote:** Sen. Osmundson moved that **DP561 FOR \$6,986 STATE SPECIAL REVENUE IN FY 2018 AND \$4,868 STATE SPECIAL REVENUE IN FY 2019 BE ADOPTED.** Motion carried unanimously by voice vote.
- 00:11:51 **Motion/Vote:** Sen. Osmundson moved that **DP407 FOR ALL PROGRAMS WITHIN THE AGENCY ADJUSTMENT TO GENERAL FUND AND STATE SPECIAL REVENUE TO FUND PLACEMENT BE ADOPTED.** Motion carried unanimously by voice vote.
- 00:12:25 **Motion/Vote:** Sen. Osmundson moved that **FUNDING FOR THE MORGUE FACILITY BE DESIGNATED AS BIENNIAL AND ONE TIME ONLY BE ADOPTED.** Motion carried unanimously by voice vote.

Motor Vehicle Division:

- 00:12:55 **Motion/Vote:** Sen. Osmundson moved that **DP561 FOR \$787,282 STATE SPECIAL REVENUE IN FY 2018 AND \$551,112 STATE SPECIAL REVENUE IN FY 2019, INCLUDING FUNDING FOR PERSONAL SERVICES TO FUND 4.49 FTE IN FY 2018 AND 3.00 FTE IN FY 2019 BE ADOPTED.** Motion carried unanimously by voice vote.
- 00:13:22 **Motion:** Sen. Osmundson moved to **RECONSIDER THE MOTION** on **DP557 RESTORE PART OF APPROPRIATION REBASE.**

Discussion:

- 00:13:45 Rep. Dudik
00:13:51 Greg Dewitt, LFD

- 00:14:00 **Vote:** Motion carried unanimously by voice vote.

- 00:14:08 **Motion:** Sen. Osmundson moved that **DP557 RESTORE PART OF APPROPRIATION REBASE FOR \$131,961 GENERAL FUND IN FY 2018 AND \$131,960 GENERAL FUND IN FY 2019 NOT BE APPROVED BE ADOPTED.**

Discussion:

- 00:14:25 Rep. Dudik

- 00:14:49 **Vote:** Motion carried unanimously by voice vote.

- 00:15:04 **Motion/Vote:** Sen. Osmundson moved that **DP561 RESTORE BALANCE HIGHWAY FOR \$79,409 STATE SPECIAL REVENUE IN FY 2018 AND \$52,283 STATE SPECIAL REVENUE IN FY 2019, INCLUDING FUNDING FOR PERSONAL SERVICES TO FUND 0.75 FTE IN FY 2018 AND 0.75 FTE IN FY 2019 AS REQUESTED BE ADOPTED.** Motion carried unanimously by voice vote.

00:15:27 **Motion/Vote:** Sen. Osmundson moved that **FUNDING FOR THE 24/7 TESTING PROGRAM BE DESIGNATED AS BIENNIAL BE ADOPTED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON DEPARTMENT OF CORRECTIONS

Clinical Services Division:

00:15:46 **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION on DP6005 OUTSIDE MEDICAL EXPENDITURES**. Motion carried unanimously by voice vote.

00:16:19 **Motion/Vote:** Sen. Osmundson moved that **DP6005 INCREASE THE GENERAL FUND TO \$834,192 IN FY 2018 AND TO \$949,463 IN FY 2019 BE ADOPTED**. Motion carried unanimously by voice vote.

00:16:54 **Motion:** Sen. Osmundson moved that **THE COMMITTEE "REDUCE COUNTY JAIL HOLDS - COMMUNITY PLACEMENTS IS RESTRICTED TO PLACING OFFENDERS IN COMMUNITY FACILITIES AND PROGRAMS INCLUDING BUT NOT LIMITED TO: SANCTION/BOLD BEDS, TRANSITIONAL LIVING PROGRAM SLOTS, ENHANCED SUPERVISION PROGRAM SLOTS, RELAPSE INTERVENTION BEDS, CHEMICAL DEPENDENCY TREATMENT BEDS AND OTHER ALTERNATIVES. THE DEPARTMENT SHALL REPORT ON THE PLACEMENT OF INMATES, INCLUDING COUNTY JAIL HOLDS, TO THE LEGISLATIVE FINANCE COMMITTEE NO LESS THAN TWICE DURING THE 2019 BIENNIUM AND UPON REQUEST"**

"DIRECTOR'S OFFICE CONTINGENT FUNDING MAY BE EXPENDED IN FISCAL YEAR 2018 ONLY AFTER THE BUDGET DIRECTOR CERTIFIES THAT THE DEPARTMENT HAS IMPLEMENTED THE USE OF THE RISK AND NEEDS ASSESSMENTS FOR ALL INDIVIDUALS UNDER DEPARTMENT SUPERVISION. DIRECTOR'S OFFICE CONTINGENT FUNDING MAY BE EXPENDED IN FISCAL YEAR 2019 ONLY AFTER THE BUDGET DIRECTOR CERTIFIES THAT THE DEPARTMENT HAS IMPLEMENTED THE MONTANA INCENTIVE AND INTERVENTION GRID AND THE DEPARTMENT HAS PROVIDED DATA TO THE BUDGET DIRECTOR DEMONSTRATING THE DEPARTMENT HAS USED THE LEAST RESTRICTIVE AND MOST APPROPRIATE SANCTIONS TO MANAGE THE OFFENDER POPULATION."

"IT IS THE INTENT OF THE LEGISLATURE THAT PRE-SENTENCE INVESTIGATIONS FOCUS PRIORITY TO REDUCE THE BACKLOG OF PRE-SENTENCE INVESTIGATIONS AND THEN MAINTAIN THE BACKLOG LEVEL WITHIN STATUTORY TIME FRAMES."

"SECURE CUSTODY FACILITIES INCLUDES FUNDING TO HOUSE INMATES IN COUNTY JAILS. IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT OF CORRECTIONS PAY NO MORE THAN \$69 PER DAY TO HOUSE INMATES IN COUNTY JAILS. IT IS THE FURTHER INTENDED BY THE LEGISLATURE THAT THE DEPARTMENT HOUSE NO MORE THAN 250

INMATES IN COUNTY JAILS BY JANUARY 1, 2018, UNLESS THE BUDGET DIRECTOR AND THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS JOINTLY DETERMINE A NEED TO HOUSE MORE THAN 250 INMATES IN COUNTY JAILS DUE TO SAFETY CONCERNS. FURTHER, IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT USE THESE FUNDS TO HOUSE INMATES IN STATE-OWNED FACILITIES TO THE MAXIMUM EXTENT POSSIBLE BEFORE HOUSING THEM IN CONTRACTED SECURE CUSTODY BEDS." BE ADOPTED.

Discussion:

00:17:24 Rep. Dudik

00:17:53 **Vote:** Motion carried unanimously by voice vote.

00:18:03 **Motion:** Sen. Osmundson moved that **A SEPARATE LINE ITEM BE ESTABLISHED FOR DIRECTOR'S OFFICE CONTINGENT FUNDING AND TO REDUCE THE GENERAL FUND IN THE DIRECTOR'S OFFICE BY \$1.0 MILLION EACH YEAR AND FUND IN THE DIRECTOR'S OFFICE CONTINGENT FUNDING LINE ITEM BE ADOPTED.**

Discussion:

00:18:44 Vice Chair Osmundson

00:19:11 Rep. Lynch

00:19:26 Vice Chair Osmundson

00:19:50 **Vote:** Motion carried unanimously by voice vote.

00:20:00 **Motion:** Sen. Osmundson moved that **FUNDING FOR DP143 SENTENCING COMMISSION IMPLEMENTATION ACCOUNTABILITY IS DESIGNATED AS ONE TIME ONLY BE ADOPTED.**

Discussion:

00:20:16 Sen. Wolken

00:20:45 Chair Brodehl

00:21:04 **Vote:** Motion carried unanimously by voice vote.

00:21:11 **Motion/Vote:** Sen. Osmundson moved that **FUNDING FOR DP60 PRE-SENTENCE INVESTIGATIONS (SB 60) IS DESIGNATED AS ONE TIME ONLY BE ADOPTED.** Motion carried unanimously by voice vote.

00:21:29 **Motion/Vote:** Sen. Osmundson moved that **FUNDING FOR DP64 REVISE BOARD OF PARDONS AND PAROLE (SB 64) AS ONE TIME ONLY BE ADOPTED.** Motion carried unanimously by voice vote.

00:21:51 **Motion:** Sen. Osmundson moved to **RECONSIDER THE MOTION on DP59 PRE-TRIAL MATCHING AND DIVERSION GRANTS (SB 59).**

Discussion:

00:23:17 Rep. Dudik
00:23:44 Sen. Howard
00:23:51 Vice Chair Osmundson

00:24:27 **Vote:** Motion carried unanimously by voice vote.

00:24:36 **Motion/Vote:** Sen. Osmundson moved that **DP 59 PRE-TRIAL MATCHING AND DIVERSION GRANTS NOT BE APPROVED BE ADOPTED**. Motion carried unanimously by voice vote.

00:24:56 **Motion/Vote:** Sen. Osmundson moved to **RECONSIDER THE MOTION on DP65 - HOUSING GRANTS**. Motion carried unanimously by voice vote.

00:25:12 **Motion/Vote:** Sen. Osmundson moved that **DP65 - HOUSING GRANTS NOT BE APPROVED BE ADOPTED**. Motion carried unanimously by voice vote.

00:25:33 **Motion:** Sen. Osmundson moved that **ALL AGENCIES IN SECTION D SUBCOMMITTEE BE CLOSED BE ADOPTED**.

Discussion:

00:25:51 Rep. Dudik
00:26:04 Chair Brodehl
00:26:42 Vice Chair Osmundson
00:27:43 Chair Brodehl
00:28:05 Rep. Dudik

00:28:31 **Vote:** Motion carried unanimously by voice vote.

00:28:53 Chair Brodehl

ADJOURNMENT

Adjournment:
00:29:06

Alex Gray, Secretary

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Additional Documents:

EXHIBIT([jch39aad.pdf](#))